



MAYOR AND COUNCIL AGENDA

NO. 2 DEPT.: Community Planning and Development Services / Legal DATE PREPARED: 6/9/05

Contact: Jeremy Hurlbutt, Planner I

FOR MEETING OF: 6/20/05

ACTION: Public Hearing: Proposed Street Closing and Abandonment Application SCA2004-00093, permanent closing and abandonment of two segments of right-of-way of Moore Drive between Westmore Avenue and Frederick Avenue, Lincoln Terrace, MCU, LLC, applicants.

ACTION STATUS:

FOR THE MEETING OF: 6/20/05

INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE

ROCKVILLE CITY CODE,
CHAPTER
SECTION

☐ CONSENT AGENDA

RECOMMENDATION: Hold public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

Abandonment is in connection with the Lincoln Terrace PRU project.

BACKGROUND: The City has filed this abandonment application for two small segments of Moore Drive totaling 3,606 square feet of land area. The abandonment will allow for a minor reconfiguration of the right-of-way in accordance with the approved detailed application for the final alignment of Moore Drive.

The Planning Commission reviewed this application on June 8, 2005 and unanimously recommended approval. Their recommendation is attached.

PREPARED BY:

Jeremy D. Hurlbutt
Jeremy Hurlbutt, Planner I

6/10/05
Date

APPROVE:

Deane E. Mellander
Deane Mellander, AICP, Acting Chief of Planning

6/10/05
Date

APPROVE:

Arthur D. Chambers
Arthur D. Chambers, AICP, CPDS Director

6/10/05
Date

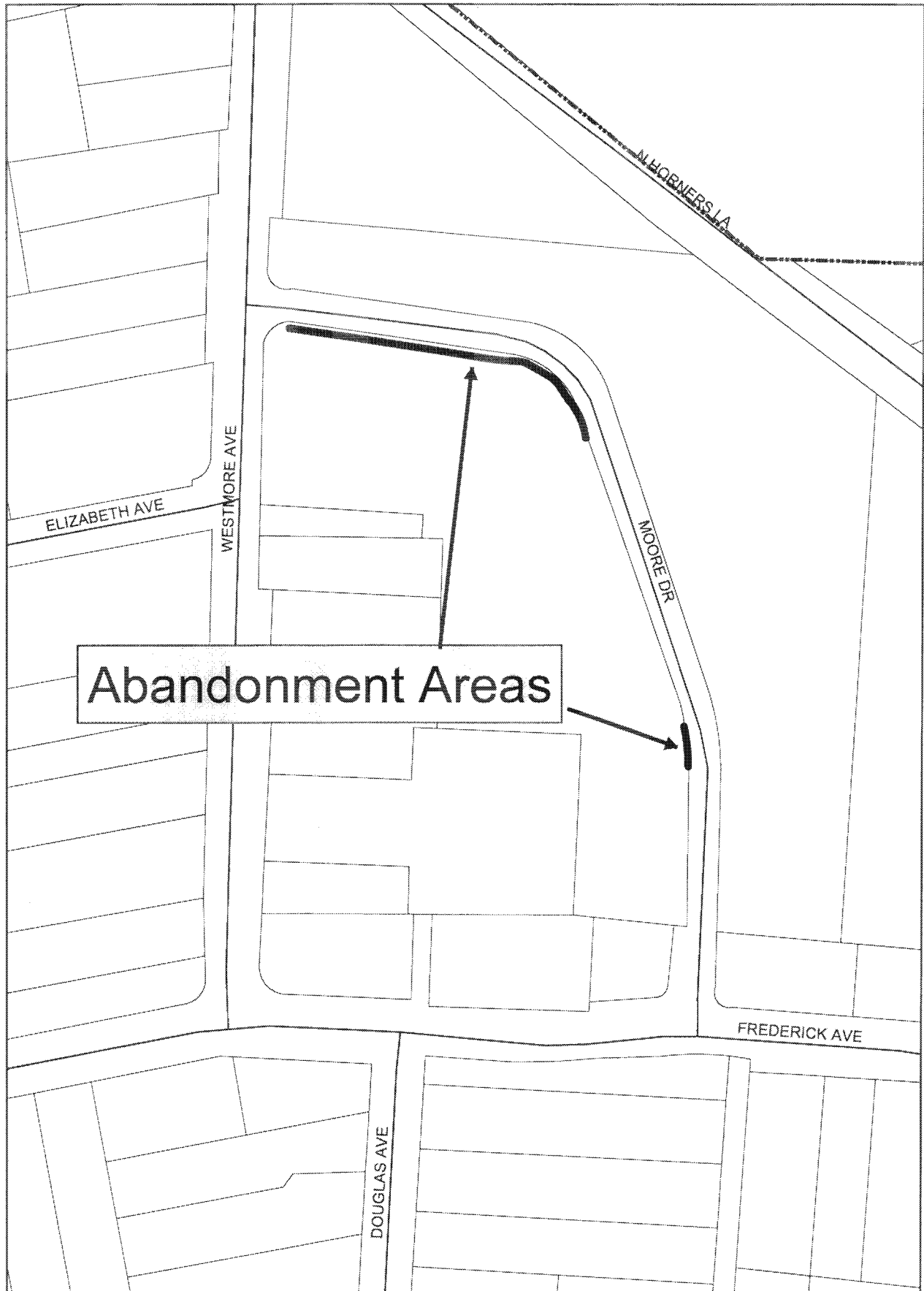
APPROVE:

Scott Ullery
Scott Ullery, City Manager

6/14/05
Date

LIST OF ATTACHMENTS:

1. Location Map
2. Staff report to the Planning Commission
3. Planning Commission recommendation
4. Application for Abandonment



**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

June 8, 2005

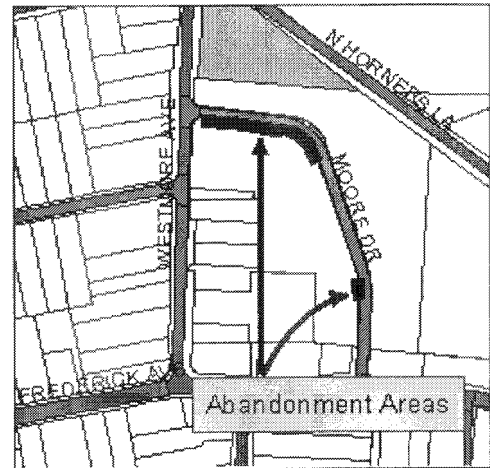
SUBJECT: Road Abandonment Application
SCA2005-00093

Applicant: Lincoln Terrace, MCU, LLC
8403 Colesville Road, Suite 400
Silver Springs, MD 20850

Owner: Rockville Housing Enterprises

Date Filed: April 26, 2005

Public Hearing: June 20, 2005



Location: Moore Drive along the southern edge of the right-of-way east of the Westmore Avenue intersection and on the west side of the southern curve of Moore Drive. (pleases see map)

REQUEST:

The applicant requests the abandonment of portions of the right-of-way for Moore Drive between Westmore Avenue and Fredrick Avenue.

STAFF RECOMMENDATION: Approval

ANALYSIS

Property Description

Application SCA2005-00093 proposes the abandonment of portions of the right-of-way for Moore Drive. One of the portion begins just east of Westmoore Avenue, on the south side, which continues just past the northern curve of Moore Drive. A small portion of right-of-way for Moore Drive between Westmore Avenue and Fredrick Avenue will also be abandoned. The abandonment is needed to allow for changes in the alignment of the roadway and to provide drainage improvements for the approved Lincoln Terrace PRU.

Project Proposal

SCA2004-00093 proposes to abandon the right-of-way along the south and west side of Moore Drive to allow for the alignment of the right-of-way to be shifted. The larger portion of the abandonment is just east of Westmore Avenue on the south side and goes just past the northern curve of Moore Drive. A smaller portion will be abandoned on the west side of Moore Drive near the southern curve. The area encompasses a total land area of 3,606 square feet or 0.0829 acres. The abandonment will convert the abandoned portions of the right-of-way from public to private land in connection with the

redevelopment of the property located on both sides of Moore Drive. The abandonment will help provide drainage improvements and realignment of the right-of-way that is consistent with the approved Exploratory Plan and Detailed Application.

CONCLUSION

Staff recommends approval of the proposed abandonment. The area is surrounded by the applicant's own property and the changes will not have any negative effect on the adjacent community.



City of Rockville

MEMORANDUM

June 9, 2005

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Recommendation on Street Closing and Abandonment application SCA2005-00093, Lincoln Terrace, MCU, LLC, Applicant

At its meeting of June 8, 2005 the Planning Commission reviewed the above referenced street abandonment application. The areas involved are a portion of right-of-way of Moore Drive east of Westmore Avenue and a second smaller portion near the southern curve of Moore Drive.

The Planning Division Staff report recommended approval of the application as being necessary for the ultimate development of Lincoln Terrace project.

The Planning Commission received comments from the Planning staff and from the applicant. No other comments were received.

The Planning Commission is in agreement with the planning staff recommendation. Therefore the Planning Commission, on motion of Commissioner Johnson, seconded by Commissioner Holtz, recommends approval of the proposed street abandonment by a vote of 5 to 0 with two members absent.

APR 26 PM 2:22

RECEIVED
CITY CLERK'S OFFICEAPPLICATION TO CLOSE
AND ABANDON
PUBLIC WAY
ROCKVILLE, MARYLANDNOTICE

This application must be typewritten or printed and filed in duplicate, with attachments, in the office of the City Clerk.

TO BE FILLED IN BY THE CLERK:

Lincoln Terrace, MCU, LLC
Name of Applicant

Application No: SCA2005-00093

8403 Colesville Road, Suite 400
Street Address

Filing Date: April 26, 2005

Silver Spring, Maryland 20910
City State Zip Code

Hearing Date: 7/11/05 ??

Decision and Date: _____

301.562.1600
Telephone No.

The undersigned hereby makes application with the Mayor and Council of Rockville, Maryland, for the permanent closing and abandonment of the public way described herein, and in support of such application supplies the following information:

- (a) The name and address of the undersigned are as indicated above.
- (b) The public way which is the subject of this application is generally described by name and United States Post Office numbering or intersecting streets as follows: Moore Drive intersecting Westmore Avenue (see attached description on Schedule "A")
- (c) The interest of the undersigned in such public way is as follows:
Rockville Housing Enterprises (The Housing Authority of the City of Rockville) is the owner of the property located on both sides of Moore Drive and has authorized the Applicant to submit applications associated with the redevelopment of its property.
- (d) The reasons for making such application are as follows:
Pursuant to Condition No. 6 of Resolution No. 3-05, this application is being submitted for a street closing and abandonment for those portions of Moore Drive which will be converted from public to private land in connection with the redevelopment of the property located on both sides of Moore Drive.

- (e) A description by metes and bounds of the public way which is the subject of this application is as follows:

See attached description on Schedule "A".

- (f) According to assessment records, all of the owners of real property immediately adjacent to the public way, which is the subject of this application, are as follows:

<u>Name</u>	<u>Address</u>
1. Rockville Housing Enterprises (The Housing Authority of the City of Rockville)	621 A Southlawn Lane Rockville, Maryland 20850

Yum Yu Cheng
Signature of Attorney
By: Linowes and Blocher LLP
Yum Yu Cheng

Signature of Applicant

By: Lincoln Terrace MCU, LLC

By: Mid-City Urban, LLC,

Its Manager

By: William M. Harvey

William M. Harvey

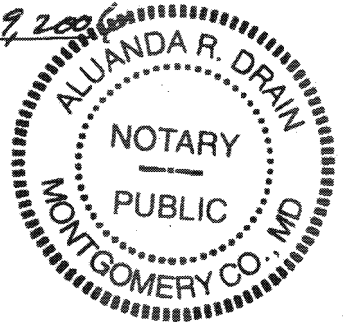
Executive Vice President

Subscribed and sworn to before me this 21st day of April 2005

Aluanda R. Drain

Notary Public

My Commission Expires: December 19, 2006



SCHEDULE "A"

DESCRIPTION OF VACATION OF A PORTION OF MOORE DRIVE

PLAT BOOK 69 PLAT NO.6385
ROCKVILLE ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being two (2) strips or parcels of land lying in the Rockville Election District of Montgomery County, Maryland, hereinafter described in, through, over and across MOORE DRIVE as shown on a plat of dedication entitled " WESTMORE AVENUE, MOORE DRIVE AND DRAINAGE EASEMENT, LINCOLN TERRACE" recorded among the Land Records of Montgomery County, Maryland, in Plat Book 69 as Plat No. 6385 and being more particularly described as follows:

Said strips or parcels of land containing a total of 3,606 square feet or 0.0829 acres of land, as shown on Exhibits "A and B" as parts one and two, attached hereto and made a part hereof by this reference.

INFORMATION FOR RECORDING

<u>Parcel</u>	<u>Parcel ID No.</u>	<u>Premise Address</u>	<u>Plat Reference</u>
Parcel 133	04-00147356	Moore Drive	P.B. 69 P. 6385
Parcel 190	04-00147345	Moore Drive	P.B. 69 P. 6385

EXHIBIT "A"

CURVE TABLE

○	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD DIST.
1	18.00	28.22	89° 50' 22"	17.95	N46° 34' 11"E	25.42
2	125.00	12.31	45° 50' 12"	6.16	S85° 41' 19"E	12.31
3	125.00	124.79	57° 11' 59"	68.15	S54° 16' 00"E	119.67
4	90.00	92.36	58° 47' 52"	50.71	N53° 28' 04"W	88.36
5	260.45	24.93	05° 29' 00"	12.47	N85° 36' 30"W	24.92
6	13.03	20.47	90° 00' 00"	13.03	S46° 39' 00"W	18.43

SCALE: 1"=50'
PLAT DATUM
P.B. 69 P. 6385

WESTMORE AVENUE
(R/W VARIES)

S01° 39' 00" W 241.85 FOOT
PLAT LINE P.B. 69 P. 6385

HOUSING AUTHORITY OF ROCKVILLE
LIBER 2334 FOLIO 338

S01° 39' 00" W
66.06' (Tie)

S88° 30' 38" E
22.07'

S82° 52' 00" E 103.74'

N01° 39' 00" E
10.05'

P.O.B.

S01° 39' 00" W 139.87 FOOT
PLAT LINE P.B. 69 P. 6385

139.87' (Tie)

PART ONE
EX. PORTION OF MOORE
DRIVE TO BE VACATED
3,572 SQ. FT. OR 0.0820 AC.

HOUSING AUTHORITY OF ROCKVILLE
LIBER 2330 FOLIO 308

MOORE DRIVE
(40' R/W)
P.B. 69 P. 6385

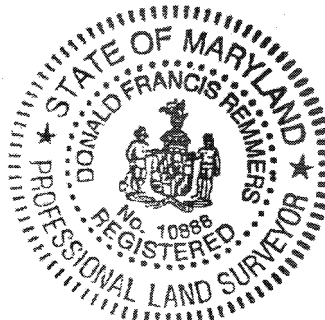
S26° 50' 40" W
3.29'

40'
R/W

I hereby certify that this sketch and accompanying
description have been prepared under my
supervision and are based upon available records.

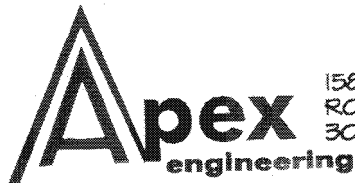
Donald F. Remmers 3/25/05

DONALD F. REMMERS
Professional Land Surveyor
Maryland Registration No. 10888



PART ONE
SKETCH SHOWING
VACATION OF A PORTION
OF MOORE DRIVE
(P.B. 69 P. 6385)

ROCKVILLE ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=50' MARCH 2005



15850 CRABBS BRANCH WAY, SUITE 200
ROCKVILLE, MARYLAND 20855-2622
301-417-0200 FAX 301-415-0169

LINE TABLE

EXHIBIT "B"

◇	BEARING	DIST.
A	N 8° 09' 20" W	21.82
B	S 63° 09' 20" E	3.79

CURVE TABLE

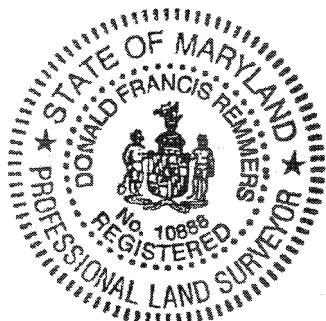
○	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD DIST.
1	125.00	19.35	08° 52' 06"	9.69	S 10° 11' 12" E	19.33

SCALE: 1"=50'
PLAT DATUM
P.B. 69 P. 6385

HOUSING AUTHORITY
OF ROCKVILLE
LIBER 2330 FOLIO 308

PART TWO
EX. PORTION OF MOORE
DRIVE TO BE VACATED
34 SQ. FT. OR 0.0008 AC.

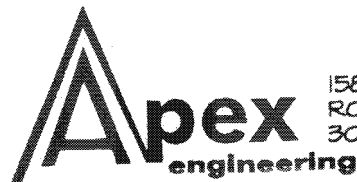
EDWARD &
M. DAVIS
LIBER 17865 FOLIO 466



I hereby certify that this sketch and accompanying
description have been prepared under my
supervision and are based upon available records.

Donald F. Remmers 3/25/05

DONALD F. REMMERS
Professional Land Surveyor
Maryland Registration No. 10888



15850 CRABBS BRANCH WAY, SUITE 200
ROCKVILLE, MARYLAND 20855-2622
301-417-0200 FAX 301-975-0169

PART TWO
SKETCH SHOWING
VACATION OF A PORTION
OF MOORE DRIVE
(P.B. 69 P. 6385)
ROCKVILLE ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=50' MARCH 2005

PLAT LINE N 8° 09' 20" W 219.19 FOOT
P.B. 69 P. 6385

PLAT LINE N 8° 09' 20" W 219.19 FOOT
P.B. 69 P. 6385

HOUSING AUTHORITY
OF ROCKVILLE
LIBER 2334 FOLIO 338

EUREKA TABERNACLE 29 OF GAL
L. 4864 F. 415

P.O.B.

P.O.B.

MOORE DRIVE
(40' R/W)
P.B. 69 P. 6385

N 02° 26' 10" E 123.37 FOOT
PLAT LINE P.B. 69 P. 6385

40'
R/W

CURVE #4
P.B. 69
P. 6385

NOT TO SCALE